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3732

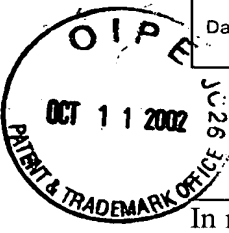
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Dated: October 11, 2002 Signature: Elena Maglitta
(Elena M. Maglitta)

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OCT 16 2002

TECHNOLOGY CENTER R3700
Docket No.: HO-P02087US1
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
J. Stuart Cumming

Application No.: 09/740,679

Group Art Unit: 3732

Filed: December 19, 2000

Examiner: Not Yet Assigned

For: ACCOMMODATING INTRAOCULAR LENS

TRANSMITTAL LETTER

Commissioner for Patents
Washington, DC 20231

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Response to the Restriction Requirement and Species Election Dated 9/18/02 (3 pages) and
2. Return postcard.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02087US1 from which the undersigned is authorized to draw.

Dated: October 11, 2002

Respectfully submitted,
By Edward D. Steakley
Edward D. Steakley
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EU110401006US, in an envelope addressed to: Box Non-Fee Amendment, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: 10/11/02 Signature: *Elena Maglitta*

(Elena M. Maglitta)

Docket No.: HO-P02087US1

#8/36
10-18-02

(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
J. Stuart Cumming

Application No.: 09/740,679

Group Art Unit: 3732

Filed: December 19, 2000

Examiner: Not Yet Assigned

For: ACCOMMODATING INTRAOCULAR LENS

**RESPONSE TO THE RESTRICTION REQUIREMENT AND
SPECIES ELECTION DATED SEPTEMBER 18, 2002**

Box Amendment
Commissioner for Patents
Washington, DC 20231

RECEIVED
OCT 16 2002
TECHNOLOGY CENTER R3700

Dear Sir:

This paper is submitted in response to the Restriction Requirement and Species Election dated September 18, 2002.

The above provisional elections are being made WITH TRAVERSE. Applicant respectfully requests reconsideration and withdrawal of the requirement for election in light of the arguments set forth below.

The Examiner has also entered another Species Election Requirement and required the election of a single species. Applicant provisionally elects the single species of GROUP IX: Figure 18.

As required by the Examiner, the Applicant has set forth a listing of all claims readable on the elected species:

Claims: 53-59, 61, 63, 65, 73-74, 77, 80, 81, 85, 90-94.

Applicant hereby provisionally elects claims 53-59, 61, 63, 65, 73-74, 77, 80, 81, 85, 90-94 for continued examination.

As set forth in the specification, Applicant disagrees with the Examiner that no generic claims exist. A cursory review of the specification shows that a genus lens exists with certain species thereof. By way of illustration, but not limitation see page 42 of the specification, line 3. "The modified lens 50 illustrated in figure 9 is identical to the lens of figures 1-8 except that..." Again, see page 44 of the specification, beginning on line 7, "Except as noted below, the modified intraocular lenses of figures 16-20 are identical to the lens 32 of figures 1-8..." Again, see page 46 of the specification, beginning on line 46, "The modified intraocular lens 150 illustrated in figures 22-24 comprises a lens body 52 proper identical to that of figures 1-8..." Independent claims 53 and 90 read on each of the above species, and all of species I-XXXIX. Independent claim 85 reads on species:

- | | | |
|---------|---|---|
| I. | Figures 1-8 (have haptic hinges 38) | $1-8 = 9$ $16-20 = 1-8$ $22-24 = 1-8$ |
| III. | Figure 10 (flexible hinges 58) | |
| IV. | Figure 11 (flexible haptic hinges 74) | |
| V. | Figure 12 (haptic hinges 88) | |
| VII. | Figure 15 (flexible hinges 106) | |
| VIII. | Figures 16 and 17 (have haptic hinges, similar to lens 32, see p. 44, ln. 12) | |
| IX. | Figure 18 (have haptic hinges, similar to lens 32, see p. 44, ln. 17) | |
| X. | Figure 19 (have haptic hinges, similar to lens 32, see p. 45, ln. 2) | |
| XI. | Figure 20 (have haptic hinges, similar to lens 32, see p.44, lns. 6-7) | |
| XII. | Figure 21 (have haptic hinges, similar to lens 32, see p.45, lns. 18-19) | |
| XIII. | Figure 22-24 (have haptic hinges, similar to lens 32, see p.46, lns. 16-17) | |
| XIV. | Figure 25 (have haptic hinges, similar to lens 32, see p.48, lns. 2-3) | |
| XV. | Figure 26 (have haptic hinges, similar to lens 32, see p.50, lns. 12-14) | |
| XVI. | Figure 27 (have haptic hinges, similar to lens 32, see p.51, lns. 13-14) | |
| XVII. | Figure 28 (flexible hinges 232) | |
| XVIII. | Figure 29 (have haptic hinges, similar to lens 180, see p. 55 lns. 7-9) | |
| XIX. | Figure 30 (have haptic hinges, similar to lens 180, see p. 55 lns. 7-9) | |
| XX. | Figure 31 (have haptic hinges, similar to lens 32, see p.55, lns. 12-14) | |
| XXI. | Figure 32 (have haptic hinges, similar to lens 32, see p.55, lns. 12-14) | |
| XXIII. | Figure 34 (flexible hinges 322) | |
| XXIV. | Figure 38 (hinges 429) | |
| XXVI. | Figure 44 (have haptic hinges, similar to lens 32, see p.48, lns. 2-3) | |
| XXVII. | Figure 45 (see Fig. 45 showing hinges) | |
| XXVIII. | Figure 46 (see Fig. 46 showing hinges) | |
| XXIX. | Figure 47-50 (hinge junctions 908) | |
| XXX. | Figure 51 (hinge junctions 908a) | |
| XXXI. | Figure 52 (hinge junctions, similar to lens 900, see p.74, lns. 16-18) | |
| XXXII. | Figure 53 (hinge junctions 908c) | |
| XXXIII. | Figure 54-59 (thin flexible hinges 1010) | |
| XXXIV. | Figure 60 (pivotally hinged haptic 1106a) | |
| XXXV. | Figure 61 (pivotally hinged haptic 1106b) | |

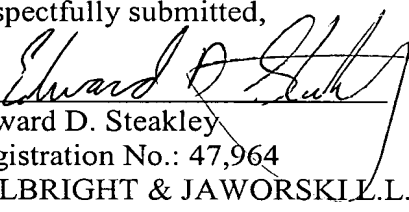
XXXVI. Figures 62 and 63 (See Figs. 62 and 63 showing hinges)
XXXVII. Figures 64 (hinges 1210) 65 and 65a
XXXVIII. Figures 66 and 66a (hinges 1306)
XXXIX. Figure 67 (hinging action, see p. 90, lns. 15-16)

If generic claim 53, 85 or 90 is allowed, Applicant reserves the right to reintroduce claims to the remaining species.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02087US1 from which the undersigned is authorized to draw.

Dated: Oct. 11, 2002

Respectfully submitted,
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